

shows its population to have been 46,555. Consequently, when my vote allowed to Baltimore six delegates, upon a ratio of 5000 as the basis, instead of six, Baltimore would have been entitled to eight delegates. I only mention this to put myself right before this body, and to show that when a delegate from Baltimore, I never did, as was charged against me, vote to allow to Baltimore more delegates than by its population it was entitled to, and to show that the gentleman can make mistakes as well as other people.

Mr. SPENCER. I had the honor to discuss this question on yesterday; but, as I then stated to the Convention, I had not anticipated doing so for several days to come, and had therefore made no previous preparation. I desire at this time, with the indulgence of the Convention, to submit one additional reason that influences me in my position upon this subject. It is my apprehension that by giving the election of the judges to the people, the independence of the bar will be greatly affected. I wish it to be distinctly understood, that I have not the slightest fear of the integrity of the people. But my apprehension is that that integrity and confidence will be abused. By way of illustrating my apprehension in relation to this, I will ask the Convention to imagine two individuals residing in the same judicial district, and candidates for the office of judge. One of them is learned in the law, industrious, pure in all his moral habits, retired, firm of purpose, impartial and just in all his views. A man of that description would necessarily command the admiration of all. The members of the bar would know him to be eminently suited for the station. But the other individual is known as an active politician, and one who has directed the political machinery of his county. He has been an active partisan. His office, perhaps, has been the nucleus in which all political conclaves have been held. As an advocate before a jury, he is plausible and sagacious; and yet he is wanting in the firmness of correct purpose, in legal ability, and in impartial temper and disposition. The members of the bar have to discriminate between the two. They will know at once that the man who has been the great partisan leader, will be most likely to be elected; but they know that the other man is the man in whose hands justice could better be confided. They know, too, that if they advocate the man who is best fitted for the station, he will be just in every respect; that he will have no enmities to gratify, and will not punish indirectly those who have opposed him. They will know that on the contrary, the other will have venom in his heart, and if they oppose him, and if he is elected, every member of the bar who had voted against him, will become the subject of his iron rule; that all those schemes which can be resorted to directly or indirectly, insidiously, by subtle or crafty modes, will be resorted to for the purpose of ruining those who opposed him, and their clients. I fear then, that in such a case, the independence of the bar would be entirely destroyed.

Mr. BOWIE. I have no desire to press the vote to-day. I have taken no part in the discus-

sion at all. I considered the matter settled yesterday. The report of the judiciary committee recognises the broad principle that elections of judges of the Court of Appeals as well as of other judges are to be made by the people.

The gentleman from Anne Arundel has moved as a substitute another mode of appointment, the presentation to the Governor of three names from which one should be selected. Having called for a division of the question, it raises the precise question which I understood to be settled by the House on yesterday.

We have a quorum, and I think as full a house as we shall have on Monday, and I should like to see the question taken to-day. There seems to be a great unwillingness to speak; and there is not a member here who believes that a majority of this House can be got to vote for any other mode of appointment than by the people. The names can be recorded, if gentlemen wish it.— But after the deliberate voting which has been had, instead of continuing the battle, it seems to me that gentlemen ought to lay down their arms.

Mr. SPENCER. Upon a question like this, in which so much interest is felt, I want to see a full vote. I am not disposed to be pertinacious in regard to my own views. I shall most cheerfully acquiesce, if the majority are in favor of an election by the people. But I wish the decision of the Convention upon such a question as this to go to the world with a moral force. I want each important provision of the Constitution to go out with the sanction of a majority of the Convention.

Mr. DONALDSON said a few words.

Mr. SPENCER. If there were but one proposition before the house, that of the gentleman from Prince George's, (Mr. Bowie,) the gentleman from Anne Arundel, (Mr. Donaldson,) would be right in supposing that the question on striking out would be a test vote. But that I do not understand to be the fact. There are three propositions before the chair. One is the main question, another is the amendment of the gentleman from Somerset, [Mr. Crisfield,] the third is the amendment I had the honor to submit. This amendment thus embodies more than the mere election of the judges by the people. If the refusal to strike out is sustained, it covers a great deal more ground than a vote upon the gentleman's proposition, because it refuses to let in these other pending propositions, which embody the question with regard to the number of the judges; the judicial districts, and the mode of appointment. This question then embraces a great deal more than a mere test question upon the proposition of the gentleman from Anne Arundel.

Mr. JOHNSON. I do not rise for the purpose of going into a discussion of this question, but simply to urge that a direct vote upon it be taken, that we may progress and get through our business here. The idea that this is a thin house to-day, is no proof that there will be more members here on Monday or Tuesday. That house seems to be anxious to vote and

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